Employee Who Gets Severance Can Still Bring Unjust Dismissal Claim

A shipping company employee sued for unjust dismissal under Section 240 of the *Canada Labour Code*. The contract allowed for dismissal without cause; and the employer provided the termination notice the agreement required. So the adjudicator dismissed the claim without a hearing. The appeals court said the adjudicator should have let the employee present his evidence, citing Section 242 of the *Code* which requires adjudicators to decide the case after the parties get a chance to present their evidence. The adjudicator may still have found the dismissal unjust, even if the employer paid the necessary termination notice, the court explained [*DHL Express (Canada) Ltd. v. Sigloy*, 2016 FCA 78 (CanLII) March 8, 2016].